

**IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD**

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.18134 of 1997

Dated: 19-01-2007

Between:

Manyam Bhaskara Rao @ Bulli Bapanna,
S/o Krishna Murthy, aged about 45 years,
R/o Vetlapalem,
East Godavari District.

... Petitioner

and

1. The Government of Andhra Pradesh,
rep.by its Principal Secretary,
Major Irrigation Department, Secretariat Buildings,
Hyderabad and two others.

... Respondents

ORDER:

This petition is filed seeking *mandamus* declaring the inaction of the respondents in not referring the matter relating to the petitioner's objections to the Award No.10/96, dated 25-10-1996, as set out in his letter, dated 16-11-1996 to the Civil Court, under Section 18 of the

Land Acquisition Act, 1894 (for short, 'the Act') and in not paying the amount awarded in Award No.10/96, dated 25-10-1996 till date as illegal and unjust, and consequently direct the third respondent to refer petitioner's objections to the Award No.10/96 to the Civil Court under Section 18 of the Act forthwith and further direct the respondents to forthwith pay the amount payable to the petitioner under Award No.10/96, dated 25-10-1996 passed by the third respondent with subsequent interest till payment.

2. In the affidavit filed in support of the writ petition, it is stated that though petitioner's land was sub-merged in Yeleru Reservoir in 1979, the authorities had not initiated any land acquisition proceedings and not paid any compensation, on the pretext that there was no clearance from the authorities under the Land Reforms and Ceiling on Agricultural Holdings Act. It is further stated that when the authorities did not initiate any proceedings, petitioner filed W.P.No.13206 of 1994 and this Court while disposing of the said writ petition, vide order dated 20-09-1994, directed third respondent herein to determine the extent of petitioner's land taken over and pay 80% of the estimated value before 31-12-1994. Thereafter, third respondent passed proceedings dated 31-12-1994, fixing 80% of the estimated value of the petitioner's land and paid an amount of Rs.36,000/- by way of cheque. It is further stated that when the petitioner protested and objected for payment of such low amount of compensation, the authorities did not take any action, and thereupon he filed W.P.No.19405 of 1995. The third respondent pursuant to the order dated 23-04-1996 made in W.P.M.P.No.23770 of 1995 in W.P.No.19405 of 1995, passed Award No.10 of 1996, dated 25-10-1996 and thereupon he filed objections.

3. The grievance of the petitioner is that even though he filed objections to refer the matter to the Civil Court under Section 18 of the Act immediately after passing the award, the third respondent did not take any action.

4. Heard learned counsel for the parties.

5. A counter affidavit is filed on behalf of third respondent stating that petitioner had given a representation on 16-11-1996 seeking reference and accordingly, the matter will be referred to the Civil Court and it is further stated that the amount of compensation was already deposited in Civil Court on 18-08-1997.

6. In the light of the averments made in the counter affidavit, this Court is of the view that the purpose for which the writ petition is filed was fulfilled and as such, no orders need be passed. However, if for any reason, the matter is not referred to the Civil Court, there shall be a direction to third respondent to refer the matter to the Civil Court, as provided under Section 18 of the Act, within a period of four weeks from today.

7. Subject to the above directions, the writ petition is disposed of.
No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.19-01-2007
GLV